

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

Criminal No. 2;04CR26

FRANCISCO M. DANTAS, JR.,
Defendant.

ORDER/OPINION

On the 26th day of October 2009, came the defendant, Francisco Dantas, Jr., in person and by his counsel, Brian J. Kornbrath, and also came the United States by its Assistant United States Attorney, Stephen Warner, pursuant to a Petition for Warrant or Summons for Offender Under Supervision filed in this case on October 8, 2009, alleging:

- 1) Violation of Mandatory Condition No. 1: While on supervised release, the defendant shall not commit another federal, state or local crime.
- 2) Violation of Mandatory Condition The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance.
- 3) Violation of Standard Condition: The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons.

Prior to the taking of evidence, Defendant waived the preliminary hearing and conceded probable cause existed to forward this revocation matter to United States District Judge Robert E. Maxwell for hearing and disposition.

The Court then explained the charges contained in the Petition and the effect of the proposed waiver to Defendant and inquired of her as to the voluntariness of his decision to waive the preliminary hearing. From the colloquy between the Court and the defendant, the Court concluded Defendant's decision to waive the preliminary hearing was knowingly and voluntarily made.

Upon consideration of all which, the Court finds there is probable cause to believe that the defendant violated conditions of his supervised release as alleged in the Petition for Warrant or Summons for Offender Under Supervision filed October 8, 2009.

It is therefore **ORDERED** that the defendant be bound over for a full hearing before the Honorable Robert E. Maxwell, United States District Judge for the Northern District of West Virginia on the violations alleged in the Petition for Warrant or Summons for Offender Under Supervision filed October 8, 2009.

Upon inquiry by the Court the AUSA appearing had no objection to Defendant remaining on bond pending his final hearing.

Defendant is therefore continued on release pursuant to the conditions as established by the court in Baltimore, insofar as they are not at odds with the District Judge's Conditions of Supervised Release previously set in the United States District Court for the Northern District of West Virginia, which are continued in full force and effect.

The Clerk of the Court is directed to send a copy of this order to counsel of record.

DATED: October 27, 2009

John S. Kaull

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE